IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 5140 OF 2003

IN

FIRST APPEAL (St.) NO. 48943 OF 2003

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr.Ritesh Kursanje with Mr.N.M.Ganguli for the Applicant.

Mr.S.P.Sarkar for the Respnodent.

CORAM: S.B.DESHMUKH, J.

DATE : 8TH SEPTEMBER 2006

P.C.:

Heard learned Counsel for the parties.

2. The applicant / original appellant, has filed the first appeal under Section 30 of the Workmens' Compensation Act, 1923 in this Court. The judgment and order dated 30th June, 2003 passed by the learned Second Additional Commissioner for

Workmen's Compensation and Judge, VIII Labour Court, Bombay in Application (WCA) No.379/C/79 of 1991 is under challenge in this first appeal filed in this Court. The certified copy of the impugned judgment was applied by the applicant on 3rd July, 2003. After obtaining certified copy, the applicant filed writ petition bearing Writ Petition No. 2602 of 2003 in this Court. On 8th December, 2003, the petition was allowed to be withdrawn by this Court with liberty to challenge the order impugned, by filing an appeal under Section 30 of the Workmen's Compensation Act. According to the applicant, having shown sufficient cause, this delay in filing the first appeal be condoned.

3. Having considered the explanation tendered, in my view, delay is satisfactorily explained and bonafide.

4. In the result, delay of about 100

days occurred in filing of the first appeal in this Court, is condoned.

5. Civil application, accordingly, is allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)